

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby gives Notice of Intended Action to amend Chapter 61, “Iowa Reading Research Center,” Iowa Administrative Code.

The Iowa Reading Research Center had been charged with adopting program criteria and guidelines for an intensive summer literacy program required by Iowa Code section 279.68. 2017 Iowa Acts, House File 642, enacted during the 2017 session of the General Assembly and signed into law by the Governor, repealed Iowa Code sections 279.68(1)“c” and 279.68(2)“e,” thereby eliminating the requirement that school districts offer an intensive summer literacy program. This proposed amendment reflects the statutory change that school districts are no longer required to offer an intensive summer literacy program, but maintains certain program criteria and guidelines for voluntary intensive summer literacy programs that school districts may choose to offer in meeting the requirements of Iowa Code section 279.68(2)“a”(6).

An agencywide waiver provision is provided in 281—Chapter 4.

Interested persons may submit comments orally or in writing by July 25, 2017, at 4:30 p.m. Comments on the proposed amendment should be directed to Phil Wise, Iowa Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-4835; e-mail phil.wise@iowa.gov; or fax (515)242-5988.

A public hearing will be held on July 25, 2017, from 11 a.m. to 12 noon in the State Board Room, Second Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Education and advise of specific needs by calling (515)281-5295.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code sections 256.7(31) and 256.9(49)“c” and Iowa Code section 279.68 as amended by 2017 Iowa Acts, House File 642.

The following amendment is proposed.

Amend rule 281—61.3(256) as follows:

281—61.3(256) Intensive summer literacy program. The center ~~shall establish~~ hereby establishes program criteria and guidelines for voluntary implementation of the program by school districts, ~~under rules adopted by the state board of education.~~

61.3(1) Program criteria: summer reading programs pursuant to Iowa Code section 279.68 as amended by 2017 Iowa Acts, House File 642. Each district that chooses to implement a summer reading program as part of its implementation of Iowa Code section 279.68(2)“a”(6) shall comply with the requirements of that section and 281—Chapter 62, including a recommendation to use an evidence-based curriculum, the requirement to employ appropriately licensed and supervised teachers and paraprofessionals, and the requirement to monitor student progress.

~~**61.3(1)**~~ **61.3(2) Program** Additional voluntary program criteria: intensive summer literacy program. Each district’s voluntary intensive summer literacy program ~~shall be implemented consistent~~

~~with 281—Chapter 62 and shall~~ is encouraged to meet, in addition to the requirements of subrule 61.3(1), the following program criteria.

a. Criterion 1. Each district ~~shall~~ is encouraged to adopt instructional practices or programs that have ~~demonstrated some evidence of success~~ and that include explicit and systematic instruction in foundational reading skills based on student need, consistent with Iowa Code section 279.68. Those instructional practices or programs shall incorporate the requirements of Iowa Code section 279.68, subsection 2, paragraph “d,” subparagraph (3), subparagraph division (a). To meet this criterion, each district must:

(1) ~~Adopt an instructional program from the department’s review of evidence-based early literacy interventions, or~~

(2) ~~Adopt instructional practices or programs that have been empirically shown to increase student literacy achievement.~~

b. Criterion 2. Each district shall ~~employ~~ ensure that its program employs skilled, high-quality instructors or ~~provide instructors with required training, or do both.~~ To meet this criterion, a district must hire instructors whose qualifications and training meet the requirements of the evidence-based intervention chosen. In the absence of specifications from the intervention chosen, a district must hire instructors who, at a minimum, hold a current Iowa teaching license with an endorsement in elementary education or in reading (K-8) or as a reading specialist. For the purposes of this paragraph, 61.3(1) “b,” a district may “hire” or “employ” personnel directly, through an agreement with one or more other districts, through an agreement with one or more accredited nonpublic schools, through an agreement with one or more state agencies or governmental subdivisions, through an agreement with one or more private not-for-profit community agencies, or some combination thereof.

c. Criterion 3. Each district shall ~~is encouraged to~~ allow sufficient time for intensive meaningful reading instruction and student learning. ~~To meet this criterion, a district must implement, at a minimum, the total number of hours of instructional time described by the evidenced-based intervention chosen. In the absence of specifications from the intervention chosen, a district must provide a minimum of 70 hours of intensive reading instruction.~~

d. Criterion 4. Each district shall ~~is encouraged to~~ provide intensive instruction in small classes and small groups. To meet this criterion, a district ~~must~~ is encouraged to employ the same instructional grouping formats described in the evidence-based intervention chosen. In the absence of specifications from the intervention chosen, a district ~~must~~ is encouraged to ensure that it delivers whole-class instruction in class sizes of 15 or fewer students and that it delivers targeted intervention based on student need in small groups of 5 or fewer students. ~~A district may elect to provide class and group sizes smaller than specified in this criterion.~~

e. Criterion 5. Each district shall ~~is encouraged to~~ monitor and promote student attendance. ~~To meet this criterion, each district must adhere to an attendance policy that requires 85 percent attendance by each student.~~

f. Criterion 6. Each district shall ~~is encouraged to~~ evaluate student outcomes and the quality of program implementation, including implementation of these voluntary criteria. ~~Evaluation of student outcomes includes attendance data and student achievement data. On a weekly basis, each district shall use the department-approved literacy assessment used during the school year to evaluate student progress toward end-of-third-grade proficiency. Evaluation of program implementation shall align with the district’s plan to address reading proficiency in its comprehensive school improvement plan, as required by rule 281—62.9(256,279). Program evaluation shall also include a measure of fidelity in implementing, at a minimum, the following requirements: instructor qualifications, amount of instructional time, group size, attendance data, and progress-monitoring data.~~

g. Criterion 7. Each district shall identify whether each student successfully completes the program. Each student who successfully completes the program is eligible for promotion to grade four. Each district shall provide to the parents or legal guardians of each student written notice about whether the student successfully completed the program. The notice shall include information about attendance, academic performance, additional or continuing areas of need and whether the child is eligible for promotion. Successful completion shall be defined as meeting either of the following standards:

~~(1) Consistent attainment of an end-of-third-grade proficiency standard pursuant to paragraph 61.3(1)“f,” or~~

~~(2) Attendance at no less than 85 percent of the program’s sessions.~~

~~h. g. Criterion & 7.~~ Each program shall be under the leadership and supervision of at least one appropriately licensed teacher, as described in paragraph 61.3(1)“b,” and at least one appropriately licensed administrator. The two roles may be filled by the same individual. Either Nonlicensed personnel shall be supervised by an appropriately licensed teacher. It is encouraged that either the teacher or the administrator shall hold a reading (K-8) endorsement or a reading specialist endorsement. Leadership and supervision under paragraph 61.3(1)“h” shall include monitoring the program for compliance with the program criteria in subrule 61.3(1).

~~i. h. Option to use private providers.~~ A district may enter into an agreement with a private provider that uses evidence-based instructional strategies to provide intensive summer literacy instruction required by under this chapter and 281—Chapter 62, at the election of a parent and in lieu of programming provided by the district. Any election under this paragraph shall be at the parent’s sole cost. The private provider shall use evidence-based instructional strategies. If a child successfully completes a private program, as defined in paragraph 61.3(1)“g,” the child shall be eligible for promotion to fourth grade.

61.3(2) 61.3(3) Guidelines for implementation by school districts. The center shall periodically publish guidelines to assist school districts in applying the program criteria contained in subrule 61.3(1) and the voluntary criteria contained in subrule 61.3(2) and in improving the performance of intensive summer literacy programs. The center shall make such guidelines available on its Web site.